

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MICHEAL HEBNER, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

V

RACHEL HEBNER,

Respondent-Appellant.

UNPUBLISHED

August 22, 2006

No. 268342

Allegan Circuit Court

Family Division

LC No. 04-036857-NA

Before: Zahra, P.J., and Neff and Owens, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(b)(ii), (c)(i), (c)(ii), and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence. MCR 3.977(J). The minor child suffered a lacerated intestine inflicted by respondent's boyfriend, and respondent's failure to protect him was the primary condition leading to adjudication. Additional conditions that became apparent throughout this proceeding were respondent's long-term substance abuse, her dependent personality, lack of stable housing, lack of parenting skills, and lack of employment and financial resources. More than 182 days elapsed between the May 18, 2005, initial disposition and the January 26, 2006, termination hearing.

Respondent continued an abusive relationship with her boyfriend even after discovering that he caused the child's serious injury, continued to use cocaine and marijuana, and made no progress from November 2004 to October 2005 in becoming sober and able to appropriately parent the child. When the agency goal became termination of her parental rights, respondent began complying and had been sober for four months by the time of the termination hearing.

Respondent argues on appeal that drug use clouded her judgment, that she is now well on her way to recovery and able to make better decisions, and that the trial court erred in finding that there was no reasonable expectation that she would sufficiently rehabilitate and be able to suitably parent within a reasonable time. She analogizes her case to *In re Hawthorne*, unpublished opinion per curiam of the Court of Appeals, issued January 19, 2006 (Docket No.

262433), in which this Court found that the evidence was not yet clear and convincing that there was no reasonable expectation that respondent Hawthorne could remain sober.

Each termination of parental rights case turns on its unique facts. The particular facts of this case, unlike those in *Hawthorne*, showed that respondent had used drugs for over ten years and, in order to maintain sobriety, needed to alter her entire lifestyle, modify her dependent personality, change her network of acquaintances, and establish a positive support system. In order to appropriately parent, she needed to acquire parenting skills, achieve stable employment, and establish housing. She faced the certainty of dealing with her abusive and threatening boyfriend upon his release from jail because he fathered another of her children. Given such enormous hurdles, it was apparent that the trial court did not clearly err in finding that there was no reasonable expectation that respondent would rectify the conditions leading to wardship and become able to provide proper care for the child within a reasonable time.

Further, the evidence did not show that termination of respondent's parental rights was clearly contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The trial court found that termination was in the minor child's best interests. The four-year-old minor child bonded quickly and strongly to his foster family, who desired to adopt him. In light of the evidence showing that respondent was not reasonably likely to be able to regain custody of him within a reasonable time, the trial court did not err in its best interests finding.

Affirmed.

/s/ Brian K. Zahra
/s/ Janet T. Neff
/s/ Donald S. Owens